

# Research RTD, 7th Euratom Framework Programme 2007-2011: participation of undertakings, research centres and universities, dissemination of research results

2006/0014(CNS) - 07/02/2006 - Legislative proposal

**PURPOSE** : to lay down the rules for the participation of undertakings, research centres and universities in actions under the Seventh Framework Programme of the European Atomic Energy Community and for the dissemination of research results (2007-2011).

**PROPOSED ACT** : Council Regulation.

**CONTENT** : this proposal deals with establishing the rules of participation in the Seventh Framework Programme, and defines the rights and obligations of legal entities wishing to take part in the framework programme and establishes the principles for the use and dissemination of their work resulting from that participation.

The proposal contains four chapters:

- **introductory provisions** (subject matter, definitions and confidentiality);
- **participation** (minimum conditions to participate, procedural aspects, including minimum numbers of participants, their place of establishment, proposal submission and evaluation, implementation and grant agreements, monitoring of projects and programmes, Community financial contribution: eligibility for funding and forms of grants, reimbursement rates, payment, distribution, recovery and guarantees);
- the **rules for dissemination and use and access rights** (ownership, protection, publication, dissemination and use, and access rights to background and foreground) and
- the **specific rules for participation in activities under the thematic area “fusion energy research”**.

The **minimum number of participants** and conditions of place of establishment of the participants is established according to the type of action. Legal entities established in Associated countries may participate on the same basis as those established in Member States. The Rules identify the procedures for issuing **calls for proposals** and the exceptions to calls for proposals, for submission, evaluation, selection and award of procedures. In addition, they establish the procedures for the appointment of external experts. Further detailed internal rules governing the procedures for submission, evaluation, selection and award of proposals are to be established by the Commission and include provisions relating to the appointment of independent experts. Those rules will include special provisions for two-stage submission procedures (which is to be used to a greater extent where applicable, for example where high over-subscription is expected, for very large projects and in order to limit costs of preparing proposals that may never be funded, etc.) and for two-step evaluation (with single submission).

The **evaluation process** developed over previous framework programmes and reflected in these internal rules will continue without substantial changes. Greater use will be made of remote evaluation where possible. The evaluation criteria are now in the Specific Programmes rather than in the Rules and can be developed further in the work programmes (and calls for proposals).

Although not specified in the Rules, it is proposed that full **electronic submission** will be the rule in FP7. Also the use of pre-filled forms using data from a central source and changes to the content and format of proposals should permit successful proposals to begin earlier.

In order to ensure consistent assessment of the financial viability of the participants and related financial procedures, the Commission will adopt and publish internal rules for their application.

A model grant agreement will be established by the Commission that will establish the rights and obligations of participants vis-à-vis the Community and each other. The autonomy and flexibility of the consortium, in particular with respect to changes in its composition that were established in FP6 will be continued. All participants must accede to the grant agreement.

Participants will be required to conclude consortium agreements, except where exempted by the call for proposals, as they were in FP6. However, many of the new provisions relating to intellectual property should make these easier to establish and to adapt as necessary.

The Commission will monitor all indirect actions financed by the Community as well as the Seventh Framework Programme and its Specific Programmes. The participants that are eligible for Community funding are identified in the subsection on Community financial contribution that also covers forms of grants, reimbursement rates, payment, distribution, recovery and guarantees.

Three **forms of grants** are proposed for the Community financial contribution: reimbursement of eligible costs, lump sums, and flat-rate financing (the latter can be based on scale of unit costs but also includes flat rates for indirect costs). These may be used to cover the entire Community financial contribution for a funding scheme or in combination. For most funding schemes, reimbursement of eligible costs will be the preferred method, particularly at the beginning of FP7. The use of lump sum and flat rate financing will be introduced gradually and if successful will be used more extensively.

The definition of eligible costs has been simplified and the three **cost reporting models** used in previous Framework Programmes are abandoned. This means that participants can charge all their direct and indirect costs and have the option of a flat rate for indirect costs.

The **Community financial contribution** will cover a maximum of 50% of eligible costs minus receipts both for research and for demonstration activities. For SMEs, public bodies, secondary and higher education establishments and non-profit research organisations, there will be a top up of a maximum of 25% for research activities. All other activities, including those relating to coordination and support actions, and actions for the training and career development of researchers, would be reimbursed at up to 100% for all entities. These maxima are applied to all eligible costs of such entities even where part of the reimbursement of costs is based on lump sums or flat rates. The maxima also apply to such entities participating in projects where flat rate financing and, where appropriate, when lump sum financing is used for the whole project.

For Networks of Excellence, a special **lump sum** is proposed. The amount of the lump sum is established by the Rules as a fixed amount per researcher and per year. Periodic payments of portions of the lump sum would be paid according to the attainment of indicators showing progressive implementation of the Joint Programme of Activities (JPA).

Public bodies, non-profit research organisations, and higher and secondary education establishments would be permitted to provide an audit certificate established by a competent public officer. The number of **audit certificates** per grant agreement and participant would be reduced and reports and reporting periods are to be rationalised.

As in FP6, participants in a consortium will have the responsibility to fully carry out the tasks entrusted to them even if one of the participants fails to comply with assigned tasks. However, the principle of financial collective responsibility established in FP6 for most actions is not continued in order to remove barriers of participation. This should also accelerate procedures and be more cost-effective. A mechanism may be introduced to cover the **financial risk** of a participant's failure to reimburse any amount due to the Community. This mechanism would be financed by a small contribution from undertakings and other participants that are not public bodies, secondary and higher education establishments, or whose participation is not guaranteed by their Member State or Associated country. Participants in actions to support training will not contribute to the mechanism. The contribution will be effected by retaining the amounts due. Retained amounts no longer needed to cover the financial risks will be reassigned to research actions under the relevant research framework programme. Bank guarantees will only be requested in the rare case in which pre-financing represents over 80% of the grant, which is the sole case for which the Financial Regulation imposes the provision of a guarantee.

Provisions with respect to the **dissemination and use and access rights** (ownership, protection, publication, dissemination and use, and access rights to background and foreground) **have been introduced**. The rules specify the definitions of and rules applicable for background, foreground and access rights. In particular, Article 45 of the rules confers on the Commission the right to disseminate foreground where participants fail to do so. The provisions on intellectual property for the area "Fusion Energy Research" are set out in the specific instruments.

Finally, the proposal discusses other measures that are not addressed in the Rules, these being the IPR helpdesk, and improved communication.